



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 200200918-RRS

**Comment Period:** February 10, 2003 through March 11, 2003

**Project Manager:** Robert Revo Smith Jr., P.E. (213) 452-3419 email: [rsmith@spl.usace.army.mil](mailto:rsmith@spl.usace.army.mil)

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**Applicant**

Dale Griffin (909) 898-1234  
Griffin Communities  
110 North Lincoln Avenue  
Corona, Ca 92882

**Contact**

Environmental Solutions, Incorporated  
Dave Tanner (949) 646-8958

**Location**

In a tributary to Prado Flood Control Basin in Riverside County, California  
(at: lat:33-52-59.9880 lon:117-27-10.0080)

**Activity**

The Site encompasses approximately 36.7 acres located in the western section of the City of Riverside, Riverside County (Figure 1). The boundaries of the site are defined by Victoria Ave. on the north, La Sierra Ave. on the east, Lyon Ave. on the west, and undeveloped land on the south. State Route 91 lies approximately 1.5 miles to the north of the project site. Figure 2 is a map of the project vicinity.

The Griffin Communities project (Tract 29420) includes the construction of a residential community comprised of 61 single family dwellings on the 36.7 acre site. Proposed storm drain improvements include construction of a debris basin at the northern up-stream end of the site and two storm drain filters. A 96" storm drain will be constructed to convey existing and project storm flows northerly to the projects northern boundary to a connection point with existing storm drain facilities. An adjacent development's low flows shall be directed into the upstream wetlands basin. Construction of these storm drain facilities will impact .506 acres of the .596 acres of jurisdictional waters (wetlands) on the site. The uplands area on the site has been graded. This permit is for a five year O&M permit for the wetlands mitigation and basin.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch  
ATTN: CESPL-CO-R-98-00164-RRS  
P.O. Box 532711  
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: [rsmith@spl.usace.army.mil](mailto:rsmith@spl.usace.army.mil)

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** Region 8 of the California Regional Water Quality Control Board is processing concurrently a 401 Water Quality Certification application for this project.

**Coastal Zone Management-** This project is located outside of the coastal zone and will not affect coastal zone resources.

**Cultural Resources-** Evaluation of the site indicates that no sensitive cultural resources occupy the site based on a review of the CEQA negative declaration but the Corps will be requiring submittal of an archaeological report of the site under Section 106 of the National Historic Preservation Act.

**Endangered Species-** Evaluation of the vegetation communities present indicate that no state or federal endangered, or threatened species occupy the Site. The Site has already been graded and prior to that an orchard was present on the project site. The Corps will not be initiating Section 7 consultation for the site.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

Tract 29420 will include a residential community comprised of 61 dwelling units on 20,000 square foot lots. The residential units will be low/medium density detached single-family homes. The project will include construction of a drainage basin and placement of a 96-inch pipe to transport storm flow from the property into the storm drain facilities located to the north of the site. Figure 5 shows the original Development Plan. The project site contains one jurisdictional drainage. The drainage is perennial with urban runoff, with a man-made concrete channel that displays an average width of approximately six to ten feet and contains non-native riparian plant species. In order to accommodate current and future storm flow, the county master planned storm drain facilities requires that a 96-inch pipe be placed below ground in the location of the current drainage channel. As a result of the pipe placement, 0.506 acres of the total ACOE jurisdictional area of 0.596 contained on the project site will be impacted with 0.09 acres of waters proposed for preservation. The area to be impacted lies entirely within the man-made portion of the drainage. The portion that will be preserved is not channelized and contains non-native riparian species.

### **Mitigation for loss of jurisdictional waters and habitat:**

In the original mitigation plan, non-native vegetation removal and the re-creation of a drainage swale was proposed at the same location as the project impacts, totaling approximately 0.506 acre of Corps jurisdictional area. In lieu of this proposal, which cannot be completed due to Flood Control District limitations, the habitat mitigation is now within a proposed on-site debris basin situated directly upstream of the proposed impacts. The habitat mitigation area will be situated in the upper portion of the debris basin, occupying approximately 0.79 acre of Waters of the United States. Habitat creation will be completed through grading of the basin bottom and sides, and planting with native vegetation. Native vegetation anticipated to grow would be a combination of emergent marsh and willow scrub habitat. This will be implemented and maintained by the Riverside County Transportation District through a Landscape and Maintenance District. See the attached figure for the proposed grading in the debris basin. Maintenance of this portion of the basin will only consist of periodic weed and trash removal.

### **Mitigation for impacts to water quality:**

As mitigation for impacts to water quality, nuisance flow from an adjacent development (Tract 23327) will be captured and diverted into a lower (non-habitat) portion of the debris basin via a bioswale, and treated by natural means. Approximately 21.2 acres of watershed will be captured and treated by this means. Water quality improvement is anticipated through the temporary ponding (48 hours) of water exposed to ultraviolet radiation to reduce bacterial levels, and sequestration of nutrients into live plant material. This 0.11-acre area will be planted with a mix of native emergent vegetation, including *Scirpus* and *Juncus* species. This treatment area

does not entirely capture the equivalent area as the proposed development; therefore, in addition to the bio-swale Flowguard Plus Insert filters will be placed in 2 catch basins on-site to treat project low flows on 19.8 acres. These filters will reduce hydrocarbons and trash from entering the waterway. The Riverside County Transportation District, through a Landscape and Maintenance District, will maintain the water quality features. Total treatment area for the project is 56.7 acres. Total project impact is 36.6 acres. See attached figure for location of water quality features and proposed grading within the debris basin.

### **Additional Project Information**

**Site Description:** The project site consists of a gently sloping topography, once occupied by extensive citrus groves. Although the site is surrounded by existing development, no significant structures occur on the site, aside from an old aluminum shed. More recently however, the majority of the upland soils on the property have been graded in preparation for housing construction to begin. No vegetation now exists on the site except for non-native riparian species that occupy a section of the drainage that runs along the western boundary. The grading has softened the surface soils, increasing water seepage and decreased surface discharge to the drainages. All restored areas will be maintained until the success criteria are met. Because these restored and created areas are or will become waters of the United States the applicant seeks authorization for their maintenance in this permit application. The total acreage of restored and/or created waters onsite under this proposed plan is 0.596 acres. Temporal losses may be mitigated with a ½ acre purchase at the Santa Ana River Wetlands Mitigation Bank. The Corps has not approved a Mitigation Plan yet but will require approval prior to permit issuance.

**Purpose and Need:** The Corps of Engineers has determined that the *basic project purpose* of the proposed action is residential development. This is a non-water dependent activity. The Corps of Engineers has determined that the *overall project purpose* of the proposed activity is to provide for residential development with medium to high- density lots within the County of Riverside. The project is necessary to help meet the demand for housing in the City of Riverside and to allow the property owner to realize a reasonable return on their investment in the property.

**Alternatives Considered:** The Corps has received this limited review of alternatives that is the applicant's submitted review of alternatives. The Corps may require a more detailed review of the alternatives in a Section 404(b)(1) alternatives analysis if it is determined that the proposed project is not the least environmentally damaging practicable alternative (aka the LEDPA). The applicant has considered several on-site and off-site alternatives to the proposed action including the no action alternative. In evaluating these alternatives, the following screening criteria were used by the applicant: a) the site must be within the County of Riverside; b) the site must be at least 60 acres in size; c) the site must have at least one boundary fronting onto a major road; d) the design must assure that peak discharge during storm events does not increase as a result of project construction; e) the design must assure that flood flows can be safely conveyed off the site and do not pose undue risk of flooding to structures on the site or on downstream sites; f) the design must not result in greater than a significant loss in gross revenue associated with lots lost by avoiding the on-site drainages [a larger reduction in gross revenue would make the project impracticable from a cost standpoint]; and g) the design alternative must be environmentally superior than the proposed project. Based on these criteria, the alternatives listed below have been evaluated and deemed either practicable or not practicable by the applicant.

1) No Action: leave land undeveloped and all drainages in current state.

The area currently experiences localized flooding. The County of Riverside has conditioned construction of master planned storm drain facilities as part of this development. The site has been graded in anticipation of site development but no grading occurred in the channel. The Corps has not cited the applicant as a violation. The No Action alternative could halt all development on the site, and result in a financial loss to the applicant through delay costs but the site could still be used for agricultural use. If no

permit is granted the applicant cannot obtain occupancy of the houses that are being built which could pose a significant economic hardship.

2) Proposed Project: (as discussed above, with relocation and restoration of the drainage.)

The current project plan is one feasible alternative. During significant rain events the existing drainage channel cannot contain the storm flow from the upstream drainage areas. As a result, Lyon Ave., which lies parallel to the drainage on the west often floods threatening the homes located on the west side of the street.

The placement of the 96-inch storm drain in the location of the existing surface channel is necessary to remedy these flooding problems. By including the nuisance flows of the adjacent development the applicant shall treat 21.2 acres of adjacent development flows and also treat the newer project with filters and thereby the water quality functions have been mitigated. Additional mitigation may include cash donations to an approved Corps wetlands bank.

3) Complete avoidance: preserving the existing drainage and placement of 96-inch drainage pipe in an alternative location.

This alternative would involve realignment of the 96-inch storm drain parallel to and to the east of the existing drainage's existing location. This plan would remove a row of approximately twenty homes from the development plan and render the project economically infeasible for the applicant. Other low flow proposals of using a recreated drainage have impracticable constraints regarding the design of the pipe relative to an above ground low flow and don't solve the problem of the adjacent development urban runoff treatment.

4) Other sites:

All other available sites of sufficient size in the County of Riverside either have existing development in progress or planned or would involve comparable or greater impacts to aquatic resources. Due to the project's small amount of impact to waters of the US that were largely replacing an existing concrete channel the Corps has not required an offsite analysis of alternatives as the project impacts are not commensurate with the requirement for a review of offsite alternatives. If the Corps determines that, after public comment, the project is not the LEDPA the Corps may require that a more thorough review of onsite alternatives be developed.

Based on the alternatives analysis performed by the applicant, on-site Alternative 2 has been selected as the LEDPA by the applicant and the Regional Board. Of the three practicable alternatives identified, Alternative 2 involves mitigation of the water quality functions impacted and is the most economically feasible. In addition, this alternative maximizes the net benefit to aquatic resources by mitigating the existing drainage with a high value wetland water quality basin. The impacts of Alternative 2 would be 0.506 acres of wetlands and the total proposed mitigation of this alternative would be 0.596 acres. The Corps is requesting public input on Alternative 2 that provides for sufficient mitigation onsite and the preservation of wetlands functions relating to water quality, flood storage, groundwater recharge, and habitat. Other alternatives such as first flush basins and/or a wider soft bottom channel widening with elimination of 20 lots may still work but the current configuration of a low flow with a buried pipe allows for a riparian wetlands corridor and a flood control solution. Alternative 2 solution was coordinated thru the Regional Board and the Corps Regulatory project manager and seems practicable but the Corps has not reviewed the detailed design of how the upper basin, the existing stream low flows (adjacent property's), the new development's low flows, and the high flows all interact in a detailed design. Before our permit decision is made the Corps shall require that a detailed set of plans and O&M/mitigation plan be submitted for review.

**Proposed Special Conditions**

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. Other conditions relating to wetlands mitigation onsite and offsite, conservation easements, and onsite monitoring shall be included in the permit.

For additional information please call Robert Revo Smith Jr., P.E. of my staff at (213) 452-3419. This public notice is issued by the Chief, Regulatory Branch.